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EXAMINER
VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
2424	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	09/770,865	LEMMONS ET AL.
Office Action Summary	Examiner	Art Unit	
	MICHAEL VAN HANDEL	2424	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 July 2009</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>2,4-9,15 and 17-22</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>2,4-9,15 and 17-22</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail. Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This action is responsive to an Amendment filed 7/23/2009. Claims **2, 4-9, 15, 17-22** are

pending. Claims **2, 4-6, 15, 17-19** are amended. Claims **1, 3, 10-14, 16, 23-27** are canceled.

Response to Arguments

2.   Applicant's arguments regarding claims **2** and **15**, filed 7/23/2009, have been fully

considered, but they are not persuasive.

        Regarding claims **2** and **15**, the applicant argues that Rauch et al. fails to disclose a

program grid that includes a plurality of navigation points simultaneously displayed within a

portion of the program guide defined by at least one of the program information cells in the

program grid and that each of the plurality of the navigation points is associated with predefined

criteria, and program information corresponding to programs that satisfy the predefined criteria

for a navigation point is displayed in response to a user selection of the navigation point.

        The applicant first specifically argues that the time and channel scroll bars of Rauch et al.

cannot reasonably be construed as "navigation points," because neither of them is displayed

within a portion of the grid defined by at least one program information cell. Applicant argues

that even under the examiner's interpretation of a "cell," one of ordinary skill in the art would

not recognize a channel and a time scroll bar as being located within a portion of the program

grid defined by cells for presenting information associated with a first subset of a plurality of

channel and time cells. The examiner respectfully disagrees. As noted in the Office Action

mailed 1/28/2009, one of ordinary skill in the art would recognize a grid to a be a pattern of

vertical and horizontal lines and a cell to be a location within the grid corresponding to particular

information or functions. Figure 2 of Rauch et al. illustrates the screen display as a series of

rows and columns. Channel scroll bar 226 runs from the top of the first program cell to the

bottom of the last program cell in the vertical direction. Time scroll bar 224 runs to the end of

the last program cell in the horizontal direction. Day selector 220 runs from the end of the last

program cells in the horizontal direction (Fig. 2). That is, the boundaries of the channel scroll

bar 226, time scroll bar 224, and day selector 220 are defined by the boundaries of the program

information cells. As such, the examiner maintains that Rauch et al. meets the limitation of "a

plurality of navigation points simultaneously displayed within a portion of the program guide

defined by at least one of the program information cells," as currently claimed.

Further regarding claims **2** and **15**, the applicant argues that the channel and time scroll

bars of Rauch et al. are not themselves associated with predefined criteria. Applicant specifically

disagrees with the examiner's contention that variation in content of the grid of Rauch et al.

based on … time selected by the time scroll bar 224, and channel selected by the channel scroll

bar 226 is the same as selection of programs based on predefined criteria. Applicant states that

one of ordinary skill in the art would recognize that a scroll bar is provided in order to allow a

user to manually access information that is not displayed on a screen due to space limitations of

the screen and that any new information displayed in response to scrolling is determined by the

extent of manual movement of the scroll by the user, and not by any predetermined criteria

associated with the selected scroll bar itself. The examiner respectfully disagrees. Rauch et al.

discloses that the user uses the time scroll bar 224 to select time entries that are different than the

time entries currently displayed on the time axis 214 (col. 7, l. 1-4). Program names

corresponding to the newly selected time entries 215 and the previously selected channel entries

217 are displayed in the grid entries 212. For example, the time scroll bar 224 is scrolled so that

the time entries for the times 6:00 PM – 6:30 PM, 7:00 PM – 7:30 PM are selected, as shown in

Figure 2 (col. 7, l. 1-9 & Fig. 2). Similarly, the user scrolls the channel scroll bar 226 to select

channel entries 217 that are different than the channel entries currently being displayed on the

grid 210. Program names corresponding to the newly selected channel entries 217 and the

previously selected time entries 215 are displayed in the grid entries 212. For example, the

channel scroll bar 226 is manipulated so that the channel entries 217 for channels 2, 4, 5, and 7

are selected (col. 7, l. 9-17). Thus, by manipulating the time scroll bar 224 and the channel scroll

bar 226, the user varies the content of the displayed portion of the grid 210 shown in the

schedule layout 200 (col. 7, l. 18-21 & Fig. 2). The examiner notes that there is predefined

criteria associated with these scroll bars. That is, the time scroll bar is predefined to scroll the

programs by time and the channel scroll bar is predefined to scroll the programs by channel. As

such, the examiner maintains that Rauch et al. meets the limitations of "each of the navigation

points being associated with predefined criteria" and "in response to receiving the user selection

of the navigation point, presenting in the program information cells program information

associated with a plurality of programs that satisfy the predefined criteria associated with the

selected navigation point," as currently claimed. Furthermore, Rauch et al. discloses that the day

selector 220 contains arrow buttons with which the user moves the selected day chronologically

forward and backward and the grid varies in content based on the day currently selected (col. 6, l.

58-67 & Fig. 2). This also meets the limitations of "each of the navigation points being

associated with predefined criteria" and "in response to receiving the user selection of the

navigation point, presenting in the program information cells program information associated

with a plurality of programs that satisfy the predefined criteria associated with the selected

navigation point," as currently claimed.

Still further regarding claims **2** and **15**, the applicant argues that the day selector cannot

reasonably be construed as a navigation point for at least the reason that it is not located within a

portion of the grid defined by at least one of the program information cells in the grid. The

examiner respectfully disagrees. As noted above, day selector 220 runs from the end of the last

program cells in the horizontal direction (Fig. 2). That is, the boundary of the day selector 220 is

defined by the boundary of the program information cells. As such, the examiner maintains that

day selector 220 meets the limitation of a "plurality of navigation points simultaneously

displayed within a portion of the program guide defined by at least one of the program

information cells," as currently claimed.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims **2, 4-9**, **15**, **17-22** are rejected under 35 U.S.C. 102(e) as being anticipated by

Rauch et al.

Referring to claims **2** and **15**, Rauch et al. discloses a method/system for presenting

program information in a program guide, the method/system comprising:

- presenting the program guide to a user, the program guide comprising a time bar

   divided into a plurality of time cells arranged along a first axis (col. 2, l. 66-67 & Fig.

   2), a channel bar divided into a plurality of channel cells arranged along a second axis

   perpendicular to the first axis (col. 2, l. 64-65 & Fig. 2), and a program grid having a

   plurality of program information cells for presenting information associated with a

   first subset of the plurality of channel cells and time cells (col. 5, l. 47-67 & Fig. 2),

   and a plurality of navigation points (day selector 220, time scroll bar 224, and channel

   scroll bar 226) simultaneously displayed within a portion of the program guide

   defined by at least one of the program information cells (the boundaries of the scroll

   bars 224, 226 and day selector 220 are aligned with the program cells), each of the

   navigation points being associated with predefined criteria (the grid varies in content

   based on the day selected by the day selector 220, time selected by the time scroll bar

   224, and channel selected by the channel scroll bar 226)(col. 6, l. 2-9, 58-67; col. 7, l.

   1-21; col. 8, l. 17-20; & Fig. 2);

- receiving a user selection of one of the navigation points and, in response to receiving

   the user selection of the navigation point, presenting in the program information cells

   program information associated with a plurality of programs that satisfy the

   predefined criteria associated with the selected navigation point (col. 6, l. 58-67; col.

   7, l. 1-23; col. 9, l. 63-67; col. 10, l. 1-3; col. 11, l. 53-67; col. 12, l. 1-51; & Figs. 2-4,

   7).

Referring to claims **4** and **17**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the portion of the program guide includes a navigation cell and at least one of the navigation points is displayed in the navigation cell (scroll bars 224, 226 and day selector 220), the method further comprising repositioning a cursor from a program information cell within the program grid to the navigation cell (col. 4, l. 41-45; col. 6, l. 58-60; col. 7, l. 18-23; & col. 9, l. 62-64).

Referring to claims **5** and **18**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the portion of the program guide includes a navigation cell and at least one of the navigation points is displayed in the navigation cell (scroll bars 224, 226 and day selector 220), the method further comprising scrolling the program information cells while keeping the navigation cell substantially fixed in response to user input (col. 6, l. 2-9, 58-67; col. 7, l. 1-23, 65-68; col. 8, l. 3-20; & Fig. 2).

Referring to claims **6** and **19**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, further comprising presenting each one of the plurality of navigation points as an icon in a navigation cell located in the portion of the program guide defined by the at least one program information cells (directional day selector buttons, directional time and channel scroll bar buttons, and activated and deactivated topics button)(col. 6, l. 60-63; col. 8, l. 16; & Fig. 2).

Referring to claims **7** and **20**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the plurality of programs corresponds to programs that are currently being broadcast (a user scrolls to programs currently being broadcast through the day selector and time scroll bar)(col. 3, l. 16-19; col. 5, l. 52-57; col. 6, l. 58-60; & col. 7, l. 18-21, 38-43).

Referring to claims **8** and **21**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the plurality of programs corresponds to programs that are broadcast on premium channels (the examiner notes that the channel entries are arranged from top to bottom according to a frequency with which the channel entries have been designated by the user. The user can scroll to the top of the grid to display the channels of highest value to the user)(col. 6, l. 13-51 & col. 7, l. 18-21).

Referring to claims **9** and **22**, Rauch et al. discloses the method/system of claims 2 and 15, respectively, wherein the plurality of programs corresponds to programs that are broadcast during a primetime period (a user can scroll the time scroll bar, so that times 6:00 PM - 7:30 PM are displayed. The examiner interprets a primetime time period as including 7:00 PM as indicated in Applicant's specification (p. 24, lines 26-28 of Applicant's specification))(col. 7, l. 4-9; & Fig. 2).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL VAN HANDEL whose telephone number is

(571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit
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